

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

LOYD E. EAST, JR.

Serial No.: 10/727,453

Filed: DECEMBER 4, 2003

Title: "METHOD OF OPTIMIZING  
PRODUCTION OF GAS FROM  
VERTICAL WELLS IN COAL SEAMS"

Group Art Unit: 3672

Examiner: MATTHEW J. SMITH

Atty. Docket No: 063718.0387



**MAIL STOP PETITION**  
**Honorable Commissioner of Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

CERTIFICATE OF MAILING

ATTY. DOCKET No.: 063718.0387  
SERIAL No.: 10/727,453  
GROUP ART UNIT: 3672  
EXAMINER: MATTHEW J. SMITH

PURSUANT TO 37 C.F.R. §1.10, I HEREBY CERTIFY THAT I HAVE INFORMATION AND A REASONABLE BASIS FOR BELIEF THAT THIS CORRESPONDENCE WILL BE DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL, POST OFFICE TO ADDRESSEE, ON THE DATE INDICATED BELOW, AND IS ADDRESSED TO:

MAIL STOP PETITION  
HONORABLE COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

*Sandy Goolsby* 12-18-06  
SANDY GOOLSBY DATE

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**AMENDMENT AND RESPONSE UNDER 37 C.F.R. §1.111 TO  
NON-FINAL OFFICE ACTION, MAILED JUNE 2, 2006**

Dear Honorable Commissioner:

In response to the Non-Final Office Action mailed June 2, 2006, Applicants submit this timely response and respectfully request reconsideration of the Examiner's rejections.

- **Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this paper.
- **Remarks/Arguments** begin on page 7 of this paper.

*Zupanick*, because these cited references fail to teach each and every limitation of Applicants' independent claims 15 and 20. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection as to independent claims 15 and 20 and correspondingly, as to dependent claims 16-18 and 21-23, 27 and 28.

**V. No Waiver**

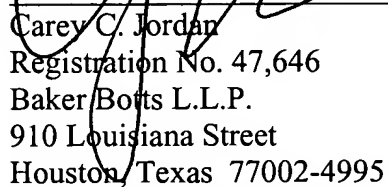
All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the cited references. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art. The example distinctions discussed by Applicants are sufficient to overcome the anticipation and obviousness rejections.

**SUMMARY**

In light of the above remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments, or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that no additional fees are due in association with the filing of this Response. However, should the Commissioner deem that any fees are due, the Commissioner is authorized to debit the Deposit Account of Baker Botts L.L.P., No. 02-0383, for any underpayment of fees that may be due in association with this filing.

Respectfully submitted,



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Date: December 14, 2006